

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

BRIEF FOR APPELLEE

United States Court of Appeals

DISTRICT OF COLUMBIA

OCTOBER TERM, 1944

No. 8713

194

WILLIAM F. KNIGHTON, APPELLANT

v.

**WINFRED OVERHOLSER, SUPERINTENDENT OF ST. ELIZABETHS
HOSPITAL, APPELLEE**

**APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF COLUMBIA**

EDWARD M. CURRAN,

United States Attorney.

CHARLES B. MURRAY,

Assistant United States Attorney.

UNITED STATES
COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA

FILED OCT 19 1944

Joseph W. Stewart

CLERK

INDEX

	Page
Counter-statement of the case-----	1
Argument -----	2
Conclusion -----	2

(I)

United States Court of Appeals

DISTRICT OF COLUMBIA

OCTOBER TERM, 1944

No. 8713

WILLIAM F. KNIGHTON, APPELLANT

v.

WINFRED OVERHOLSER, SUPERINTENDENT OF ST. ELIZABETHS
HOSPITAL, APPELLEE

*APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF COLUMBIA*

BRIEF FOR APPELLEE

COUNTERSTATEMENT OF THE CASE

This appeal is taken from an order of the District Court discharging a writ of habeas corpus and remanding the appellant to the custody of the appellee, who is Superintendent of Saint Elizabeths Hospital, which order was issued after hearing and determination by the Court that the appellant was still of unsound mind.

The facts are briefly as follows:

The appellant was committed to the Washington Asylum & Jail under a sentence of 365 days for assault imposed upon him in the Municipal Court of the District of Columbia. He was also charged by indictment in the District Court for assault with intent to commit carnal knowledge, and in that case a lunacy inquiry was had at which he was found by a jury on July 14, 1944, to be of unsound mind. On this finding he was committed to Saint Elizabeths Hospital.

In January 1944, he swore to a petition for habeas corpus (appellant's appendix 1-2), alleging, among other things, that

he was not of unsound mind. The Court permitted the filing of this petition without prepayment of costs; ordered that a writ of habeas corpus issue; referred the matter to the Commission on Mental Health for examination and report; and appointed an attorney to appear for the petitioner in the proceeding (appellant's appendix 3). The Commission on Mental Health reported that the appellant was still of unsound mind (appellant's appendix 4). The appellee made a return and answer (appellant's appendix 5 and 6) asserting that the appellant was still of unsound mind. After hearing and the taking of testimony, the Court found that the appellant was still of unsound mind and lawfully detained (appellant's appendix 7).

ARGUMENT

The statement of facts shows that this appeal is without merit. The original commitment of the appellant to jail was, of course, proper, being a commitment for a legally imposed sentence. His transfer from the jail to the asylum followed a hearing before a duly impaneled jury which found him to be of unsound mind, and in need of care and treatment; his petition for habeas corpus alleged a fact that, if true, entitled him to release; the writ issued and a hearing was accorded him, at which the witnesses for the respondent in the proceeding below testified in his presence and were cross-examined by his attorney; hence, the conclusion of the Court in the habeas corpus proceeding that he was legally detained was based upon the conclusion of fact found after full hearing that he was still of unsound mind. In these circumstances no question of law is raised upon which this Court could reverse.

CONCLUSION

It is respectfully submitted that the finding of the Court below should be affirmed.

Respectfully submitted.

EDWARD M. CURRAN,
United States Attorney.

CHARLES B. MURRAY,
Assistant United States Attorney.

